

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INSITUFORM TECHNOLOGIES, INC.,)	
)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 04-10487 GAO
)	
AMERICAN HOME ASSURANCE)	
COMPANY,)	
)	
Defendant.)	
)	

DEFENDANT AMERICAN HOME ASSURANCE COMPANY’S RULE 26(a)(3)
DISCLOSURES

Pursuant to Fed. R. Civ. P. Rule 26(a)(3) and Local Rule 16.5(C), defendant American Home Assurance Company (“American Home”) hereby discloses the following:

Live Witness that American Home Expects to Call at Trial (Rule 26(a)(3)(A)):

American Home expects to call the following witness at trial:

Margaret Hoeler
AIG Excess Casualty
1200 Abernathy Road NE
North Park Town Center Bldg 600
Atlanta, GA 30328
(770) 671-2320

American Home reserves the right to call any witness identified by plaintiff Insituform Technologies, Inc. (“Insituform”) and to call rebuttal witnesses to respond to any of the testimony offered by witnesses called by Insituform.

Witnesses Whose Testimony is Expected to be Presented at Trial by Means of Deposition (Rule 26(a)(3)(B)):

American Home does not expect to present the stenographically recorded deposition testimony of any witness. American Home reserves the right to rely upon the stenographically recorded deposition testimony of any witness identified by Insituform or any witness who becomes unavailable.

Trial Exhibits (Rule 26(a)(3)(C)):

American Home may offer the following documents into evidence at trial (although not necessarily in this order):

Trial Exhibit No.	Description
DEF 1	Campos Deposition Exhibit 11 Regarding Equipment Burden
DEF 2	Campos Deposition Exhibit 12 Regarding Summary of Fringe Benefits
DEF 3	Expert Report from Chris Campos dated May 22, 2006
DEF 4	Affidavit of Chris Campos dated September 6, 2006
DEF 5	Affidavit of Thomas Porzio dated September 7, 2006
DEF 6	Insituform's First Supplemental Answers to American Home's First Set of Interrogatories dated June 22, 2006
DEF 7	Letter dated January 18, 2005 from Charles L. Philbrick to Gregory P. Deschenes
DEF 8	Massachusetts Water Resources Authority Specification for East Boston Branch Sewer Rehabilitation, MWRA Contract No. 6840 (Porzio Deposition Exhibit 4)
DEF 9	Subcontract Agreement between D'Allesandro Corp. and Insituform Technologies, Inc. dated April 24, 2003 (Porzio Deposition Exhibit 5; marked ITI-AIG 012207 to 012216)

DEF 10	E-mail dated October 8, 2003 from Thomas Porzio to various recipients (marked ITI-AIG 013460)
DEF 11	E-mail dated October 9, 2003 from Thomas Porzio to various recipients (marked ITI-AIG 013459)
DEF 12	Letter dated December 16, 2003 from Thomas Porzio to Jon D'Allesandro dated December 16, 2003 (Porzio Deposition Exhibit 11; marked ITI-AIG 003217)
DEF 13	Letter dated January 13, 2004 from Thomas S. Rooney, Jr. to Michael Hornbrook (Porzio Deposition Exhibit 12; marked ITI-AIG 012227 to 012231)
DEF 14	Letter dated January 26, 2004 from F.G. Valencia to Jon D'Allesandro (Porzio Deposition Exhibit 13; marked ITI-AIG 005777 to 005780)
DEF 15	Settlement Agreement between D'Allessandro Corp. and Massachusetts Water Resources Authority dated March 10, 2004 (Porzio Deposition Exhibit 14)
DEF 16	Letter dated June 4, 2004 from Thomas Porzio to Jon D'Allesandro (Porzio Deposition Exhibit 16; marked D 08812)
DEF 17	Letter dated June 8, 2004 from Brian Albert to Michael DelPrete (Porzio Deposition Exhibit 17; marked D 08840)
DEF 18	E-mail dated December 19, 2003 from Tom Porzio to Tino Valencia (Porzio Deposition Exhibit 24; marked ITI-AIG SUPP 00162)
DEF 19	E-mail from Tom Porzio to Rick Baxter dated February 23, 2004 (Porzio Deposition Exhibit 25; marked ITI-AIG SUPP 00295 to 00297)
DEF 20	Memorandum from Tom Porzio to Greg Laszczynski dated March 6, 2004 (Porzio Deposition Exhibit 26; marked ITI-AIG SUPP 00321 to 00326)
DEF 21	Memorandum from Tom Porzio to Rick Baxter dated August 13, 2004 (Porzio Deposition Exhibit 27; marked ITI-AIG SUPP 00528 to 00530)
DEF 22	E-mail dated February 22, 2006 from Bob Kelley to Chris Campos (Marked C&S 0005)
DEF 23	Letter dated April 20, 2006 from Bob Kelley to Charles Philbrick, Stan Martin and Chris Campos (Defendant's Exhibit 7; marked C&S 0108)

DEF 24	Insituform's Form 10-K for the Fiscal Year Ending December 31, 2003 (marked ITI EBBS 500872-501074)
DEF 25	Insituform's 2003 Annual Report (marked ITI EBBS 500000-500062)

American Home reserves the right to rely upon any exhibits identified by Insituform.

American Home also may introduce demonstrative exhibits illustrating or summarizing American Home's exhibits or those identified by Insituform.

American Home reserves its right to supplement these disclosures. American Home also reserves in all respects its rights to object to Insituform's disclosures as provided by Fed. R. Civ. P. Rule 26(a)(3) and Local Rule 16.5(C).

Respectfully submitted,

AMERICAN HOME ASSURANCE COMPANY,

By its attorneys,

/s/ Kurt M. Mullen

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Dated: December 21, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon all parties registered for electronic notification via the Court's electronic filing system on December 21, 2007.

/s/ Kurt M. Mullen

Kurt M. Mullen